

United States District Court
District of Massachusetts

_____)	
United States of America,)	
)	
v.)	
)	
Gregory Colburn, et al.,)	
)	Criminal Action No.
Defendants.)	19-10080-NMG
)	
)	
)	
_____)	

MEMORANDUM & ORDER

GORTON, J.

The Court has carefully considered the assented-to motion to continue January 2021 trial filed by defendants I-Hsin "Joey" Chen, Amy Colburn, Gregory Colburn, Elisabeth Kimmel, William McGlashan, Jr. and Marci Palatella ("Group 2 defendants") (Docket No. 1512) and the declarations filed ex parte and under seal in support of that motion (Docket Nos. 1516, 1517, 1518, 1522 & 1526). The Court will allow the motion because of the current logistical difficulties in conducting a multiple-defendant, criminal jury trial while maintaining the necessary safeguards during the continuing pandemic. The continuance is not, however, to be understood as warranting an indefinite postponement of the trial based upon current procedural difficulties faced by the parties and witnesses.

In the extended time provided during this continuance, counsel shall make arrangements 1) to complete discovery by taking video depositions, 2) to meet in person or by videoconference with parties and witnesses such that documents can be reviewed and witnesses prepared remotely and 3) for parties and witnesses who must be present at trial to do whatever is necessary, including requisite quarantining, to be available in person at trial. The parties are encouraged to agree upon the appearance of witnesses at trial by video deposition where at all possible.

This is a criminal case in which the initial indictments were returned in March, 2019 and, even in light of the difficulties caused by the COVID-19 pandemic, two years is long enough to wait for trial.

ORDER

For the foregoing reasons, the motion of the Group 2 defendants to continue the January 2021 trial (Docket No. 1512) is **ALLOWED**. The following amended pretrial schedule deadlines shall apply:

- 1) Government expert disclosures: January 15, 2021;
- 2) Reciprocal discovery from defendants: January 25, 2021;
- 3) Government exhibit/witness lists: February 5, 2021;
- 4) Defense expert disclosures: February 15, 2021;
- 5) Defense exhibit/witness lists: March 5, 2021;

- 6) Meet/confer on documents, etc.: March 10, 2021;
- 7) Rebuttal expert disclosures: March 17, 2021;
- 8) All parties motions in limine, voir dire, jury instructions: March 19, 2021;
- 9) All responses to motions in limine, voir dire, jury instructions: March 26, 2021;
- 10) Final pretrial conference: Tuesday, April 13, 2021 at 3:00 P.M.; and
- 11) Jury trial to commence on: Tuesday, April 20, 2021 at 9:00 A.M.

So ordered.

\s\ Nathaniel M. Gorton
Nathaniel M. Gorton
United States District Judge

Dated October 19, 2020